

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICTORIA ROBERTS,

Plaintiff,

v.

PARAGON METALS LLC,

Defendant.

Case No. 2:21-cv-11110

HONORABLE STEPHEN J. MURPHY, III

**ORDER TRANSFERRING CASE TO UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff alleged that Defendant did not pay its workers overtime in violation of the Fair Labor Standards Act. ECF 1. Upon an initial review of the complaint, the Court finds that venue is improper in the Eastern District of Michigan.

Venue is proper in "a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located" or "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated." 28 U.S.C. § 1391(b). Or, "if there is no district in which an action may otherwise be brought as provided in [§ 1391(b)], any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." *Id.* Finally, "an entity with the capacity to sue and be sued in its common name" is considered "to reside . . . , in any judicial district in which such defendant is subject to the [C]ourt's

personal jurisdiction with respect to the civil action in question." 28 U.S.C. § 1391(c)(2).

If venue is improper, the Court "shall dismiss [the case], or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). And, the "[C]ourt has the power to sua sponte transfer a case." *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App'x 468, 472 (6th Cir. 2012); *see also W. Hill Farms, LLC v. GeoStar Corp.*, No. 17-cv-13247, 2018 WL 4178495, at *2 (E.D. Mich. Aug. 31, 2018) (same).

Here, Plaintiff is a resident of Branch County and Defendant "is a limited liability company organized under the laws of the State of Delaware." ECF 1, PgID 2. Additionally, Defendant has three manufacturing plants. *Id.* "One of Defendant's manufacturing facilities is located in Branch County and the other two are located in Hillsdale County." *Id.* And both Branch and Hillsdale counties are in the Western District of Michigan. *See* 28 U.S.C. § 102(b). Further, there is no information in the complaint showing Defendant is a resident of the Eastern District of Michigan. Rather, the complaint clearly shows that Defendant is a resident of, and therefore venue is proper in, the Western District of Michigan. The Court will order the Clerk of the Court to transfer the case to the United States District Court for the Western District of Michigan.

WHEREFORE, it is hereby **ORDERED** that the Clerk of the Court must **TRANSFER** the case to the United States District Court for the Western District of Michigan.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: May 20, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 20, 2021, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager